

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 229 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and  
MR.JUSTICE R.R.JAIN

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----

VIKRAM A SARABHAI HUF T NO 1

Versus

COMMISSIONER OF INCOME TAX

-----  
Appearance:

SERVED for Petitioner  
MR MANISH R BHATT for Respondent No. 1

-----  
CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE R.R.JAIN

Date of decision: 11/07/96

ORAL JUDGEMENT

At the instance of Assessee, the following question is referred to this Court under Sec. 256 (1) of the Income Tax Act, 1961 (hereinafter referred to as "the Act").

"Whether on the facts and in the circumstances of

the case, the Appellate Tribunal is right in law in holding that the assessee was not entitled to exemption u/s. 47 (vii) of the Act, 1961 and would be made liable to capital gains tax in the transaction in question ?"

On the same question, we have disposed of an Income Tax Reference No. 215 of 1990 today and we have answered the question in favour of the Revenue and against the Assessee relying on the decision of this Court rendered in the case of CIT vs. Gautam Sarabhai Trust No. 31 reported in 173 ITR 216. Accordingly in this case, we hold against the Assessee and in favour of the Revenue. This question is answered accordingly in favour of the Revenue and against the Assessee. This reference is disposed of accordingly with no order as to costs.